

## **REMARKS**

The Examiner has allowed claims 1-7. The Examiner has issued an *Ex Parte Quayle* Action, closing prosecution as to the merits of the claims. The Applicants have filed this response to overcome the Examiner's objections to the claims, as stated in the outstanding *Ex Parte Quayle* Action.

Specifically, in paragraph 3 of the *Ex Parte Quayle* Action, the Examiner indicated several minor objections to the claims.

Claims 1, and 5-7 have been amended accordingly to overcome the objections. With respect to Claims 5 and 6, the claims are directed to the same varactor elements as Claim 1. The specification, at page 18, describes a single varactor element 13 and a single varactor element 14 connected in parallel. Additionally, two varactor elements 13 and one varactor element 14 can be used; similarly one varactor element 13 and two varactor elements 14 can be used. Claim 5 now reads, in part, "including one of said one or more first varactor elements and one of said one or more second varactor elements".

Claim 6 now reads, in part, "wherein said one or more first varactor elements includes a plurality of first varactor elements, and said one or more second varactor elements includes a plurality of second varactor elements, and said voltage controlled variable capacitance device including two of said plurality of first varactor elements or two of said plurality of second varactor elements, with the other being one in number. In Claim 6, phrase, "plurality of first varactor elements" or "a plurality of second varactor elements" has been added to prevent any confusion or indefiniteness.


In Claims 1 and 7, the phrase "one or more" has been added for first or second varactor elements. No new matter has been added by the aforementioned amendments. These amendments were made solely for clarification.

Lastly, Applicants request that the Examiner reconsider his conclusion that Claim 15 is not generic and is withdrawn from consideration. Claim 15 does not contain any material that constitutes either species. Accordingly, we believe that Claim 15 is generic. Applicants have contacted the Examiner to discuss the matter via a telephonic interview. The Examiner agreed that he would reconsider Claim 15 when we file our Amendment and Response.

Based upon the foregoing, the Applicants respectfully request that the Examiner withdraw his objection to Claims 1-7. Additionally, Applicants respectfully request that the Examiner withdraw his conclusion that Claim 15 is not generic.

In conclusion, the Applicants believe that the above-identified application is in condition for allowance and henceforth respectfully solicit the Examiner to allow the application. If the Examiner believes a telephone conference might expedite the allowance of this application, the Applicants respectfully request that the Examiner call the undersigned Applicants' attorney at the following telephone number: (516) 742-4343.

Respectfully submitted,

  
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